

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

CLARETHA ROSS,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	CASE NO. 1:12-CV-151 (WLS)
	:	
Warden KATHY SEABOLT,	:	
	:	
Respondent.	:	
	:	

Before the Court is an Order and Recommendation from a United States Magistrate Judge, recommending the dismissal of Claretha Ross’s petition for a writ of habeas corpus for failure to state a claim. (Doc. 75.) The Magistrate Judge reasoned that Ross failed to state a claim because her petition does not include any grounds for relief. Ross objects to the Recommendation. In her objection, Ross claims her Notice of Appeal divested the Court of jurisdiction. She apparently also asserts that she made a substantial showing of a denial of a constitutional right and is entitled to a certificate of appealability.

After review of the record and objection, the Court adopts the Recommendation in full. Ross’s objection lacks merit. Her notices of appeal involved frivolous, nonappealable issues, so the Court retained jurisdiction to address the motion to dismiss. *See United States v. Vicaria*, 963 F.2d 1412, 1415 n.2 (11th Cir. 1992) (noting that the filing of a notice of appeal does not divest a district court of jurisdiction when the appeal involves, among other things, an appeal of a nonappealable order). Even if Ross’s appeal divested the Court of jurisdiction, the Eleventh Circuit’s dismissal of Ross’s appeal reinstated the Court’s jurisdiction. Ross has also failed to make a substantial showing of the denial of a constitutional right. She did not allege a single constitutional violation in her pleadings, despite the Court’s Orders directing her to enumerate her claims for relief.

SO ORDERED, this 7th day of March, 2014.

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